

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiff,

**AFFIDAVIT OF
Jon A. Berryhill**

-VS-

Case No. 15-cv-701 FPG/MJR

MEDICAL MARIJUANA, INC.,
DIXIE HOLDINGS, LLC a/k/a DIXIE ELIXERS
RED DICE HOLDINGS, LLC, and
DIXIE BOTANICALS,

Defendants,

1. I, Jon A. Berryhill, declares the following, pursuant to 28 USC §1746,
under penalty of perjury:

2. I am President and COO of Berryhill Computer Forensics Inc., a firm which specializes in the collection, preservation, analysis and presentation of digital evidence, including computer hard drives, flash media and smart phones. Our methods are court proven and ensure the integrity of the evidence and the chain of custody. The facts set forth in this declaration are based on my personal knowledge, and if called as a witness, I could and would testify thereto.

3. I hold a Bachelor of Science degree from Lamar University in Engineering Computer Science and a Master of Science degree from the American Public University System with a concentration in Digital Forensics. I received training in computer evidence handling, analysis and special investigations in the Air Force Special Investigations Academy, and I have been working in the field of computer forensic investigations for more than twenty-seven years. I have led computer forensic investigations for law firms, major corporations and small businesses, as well as for the United States Air Force (USAF). As a Major in the USAF, I was a Special Agent in the Air Force Office of Special Investigations, investigating crimes such as central systems fraud, homicide, theft, child pornography, and counterintelligence. I have also worked extensively

with the California Department of Justice Advanced Training Center, serving as an instructor, curriculum developer, and teaching certified computer crime investigations courses. I have testified 50 times as an expert in computer forensics in the Superior Courts of the State of California, United States District Courts, and in military courts. Additionally, I have provided 26 expert depositions. I hold a current US Government Top Secret security clearance.

4. Since being in private practice, I have conducted examinations of computer hard drives and digital media containing private and confidential information in at least 1107 cases in which I was entrusted with individual's personal data, corporate internal data and communications, financial data, privileged attorney-client information, trade secret information, patent and pending patent applications and confidential research and development information. These cases have included a broad spectrum of issues and parties, ranging from individuals involved in personal and financial disputes to multi-million-dollar corporate litigation.

5. My experience in conducting computer forensic analysis has included the analysis of more than 3290 computer hard drives and more than 6400 floppy disks, tapes, CD-ROMs, smart phones and other media. Since being in private practice, I have provided computer forensic analysis and support to many local, state and federal law enforcement agencies in their criminal and civil investigations. These have included the California Employment Development Department, California Office of Real Estate Appraisers, California Department of Insurance, California Highway Patrol, California Attorney General's Office, U.S. Army, Federal Bureau of Investigation, Bureau of Alcohol Tobacco and Firearms, Immigration and Naturalization Service Investigations Division, Palo Alto Police Department, San Mateo County Sheriff's Office, Half Moon Bay Police Department, the Santa Barbara Police Department and many state and federal public defender offices.

6. On 13 Oct 2020, I was contacted by Norah Hart with the request that I access, document and archive three specific YouTube videos.

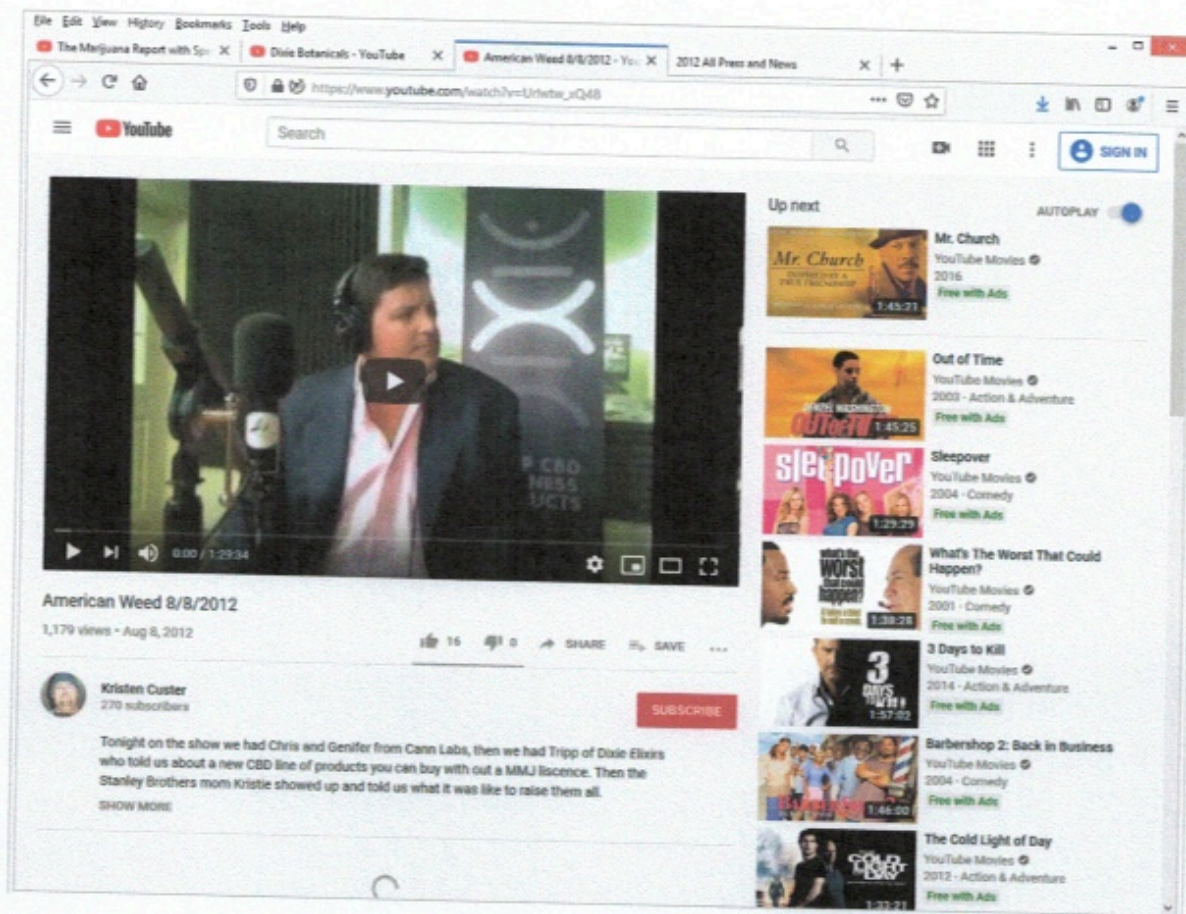
7. The following three YouTube video links were provided. As of the date of this affidavit, each link is a current, active, publicly accessible video on YouTube. The dates and times noted are the date the video was posted and the run time of each video. None of the videos are marked "private" or "unlisted". All can be found within the YouTube search functionality by searching for the video titles, poster's name or subject matter.

https://www.youtube.com/watch?v=Urwltw_xQ48 8-8-2012 1:29:34

<https://www.youtube.com/watch?v=yDjIGXS58ds> 8-23-2012 1:01:22

https://www.youtube.com/watch?v=k42_Kpp13mk 6-19-2013 57:59

8. Included below are screen captures that show each video queued up in YouTube with the link address, video name, posting date, poster and other associated data. The content of each video has been separately downloaded and archived and is available for review on a USB thumb drive or I can configure a Dropbox link in which each standalone video can be downloaded should they be either removed from YouTube or otherwise made unavailable there.



File Edit View History Bookmarks Tools Help

The Marijuana Report with Special Guest Tripp Keber - CEO's Keef Cola & Dixie Elxirs X Dixie Botanicals - YouTube X American Wood 8/8/2012 - YouTube X 2012 All Press and News X +

https://www.youtube.com/watch?v=yDjIGXSS8ds

YouTube Search SIGN IN

The Marijuana Report with Special Guest Tripp Keber - CEO's Keef Cola & Dixie Elxirs

1,047 views • Aug 23, 2012

Joe Carreiro 696 subscribers

The Marijuana Report with Joe Carreiro and Vincent Palazzotto and Special Guest Tripp Keber - CEO's Keef Cola & Dixie Elxirs

Up next

Tuesday Bro Tuesday - We can still be mad at Gretchen...
GrimsGreen 403 watching **LIVE NOW**

Inside the mind of a master procrastinator | Tim Urban
TED 37M views • 4 years ago

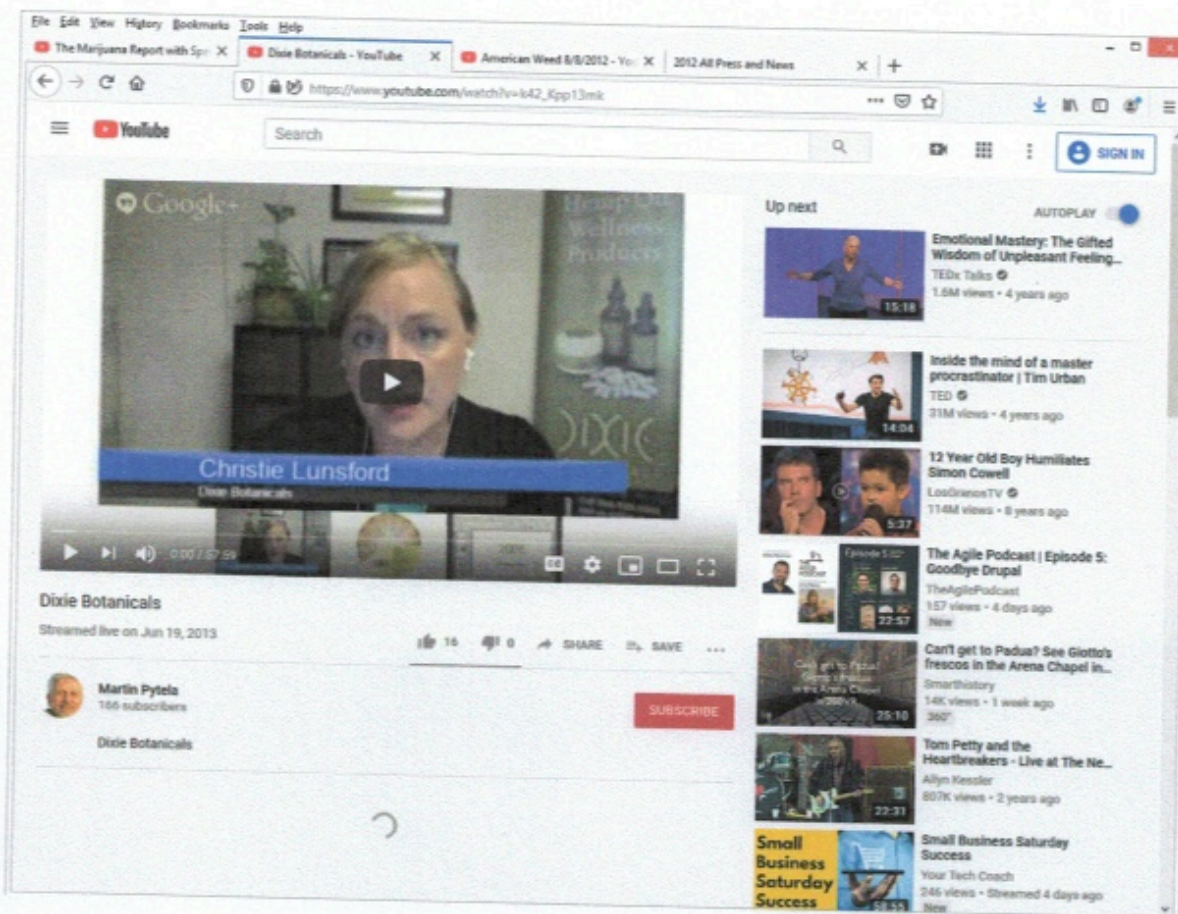
Master Shi Heng Yi - 5 hindrances to self-mastery | S...
TEDx Talks 4.1M views • 6 months ago

Trump joins 'Tucker' for first on-camera interview since...
Fox News 1.5M views • 3 days ago

The Rise and Rise of Bitcoin
YouTube Movies 2014 - Documentary **Free with Ads**

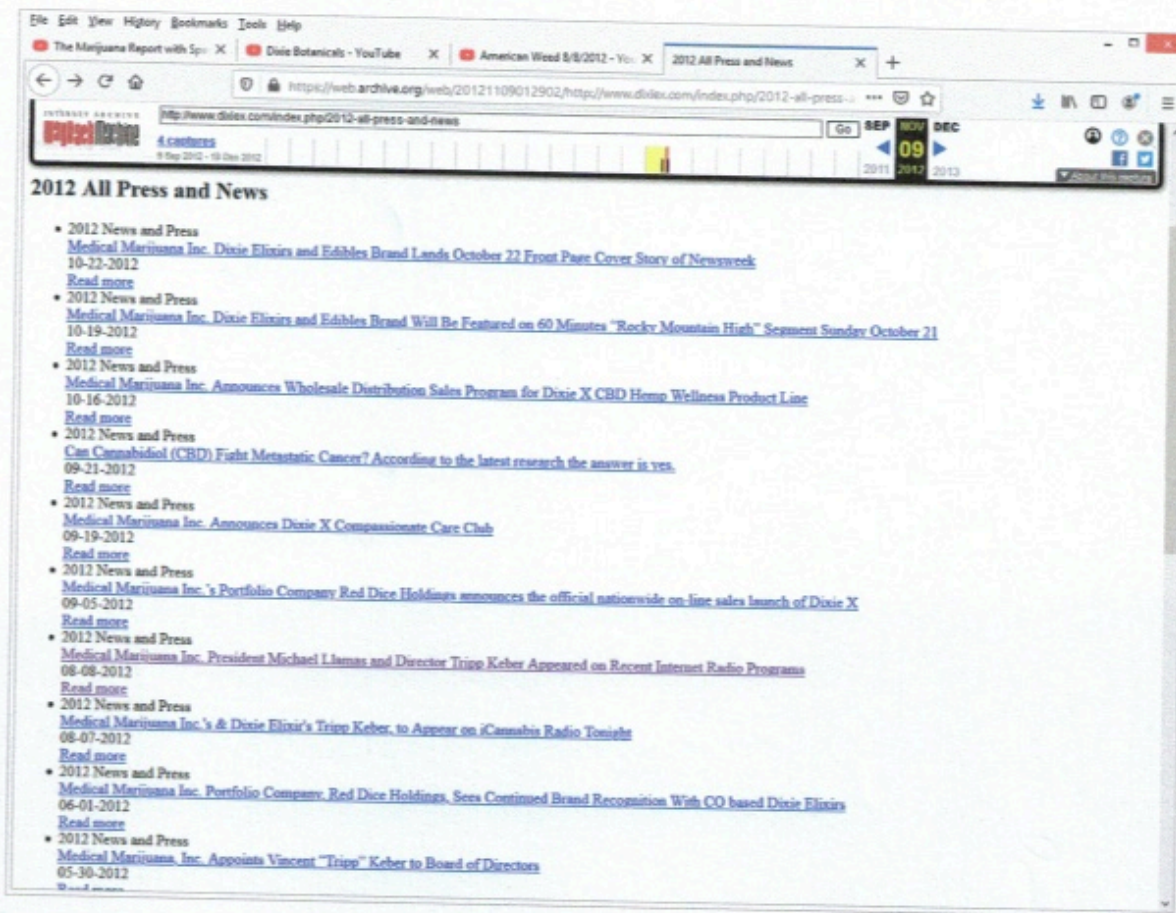
Al Jazeera English | Live
Al Jazeera English 3.1K watching **LIVE NOW**


The Men's Study, The Book of Mark - Lesson 4, Oct. 13, 2020...
The Men's Study - a ministry of Ft... 108 watching **LIVE NOW**



9. I have also been asked to opine about the data shown in the below screen capture. The page captured below is from the Internet Archive WayBackMachine. This organization is a known, reputable, independent organization that captures and archives Internet content and makes that data available to the public. I have used them as a reference in many cases and have never encountered any reasonable objection to the admissibility of their information. The data is not modifiable by any outside party and no organization has any authority or influence over them as to when, how often or how deeply they will probe and archive a public web site. In this case, the data is show for the site www.dixiex.com from 9 Nov 2012. In the section of that web site that was titled "2012 All Press and News" a link appears called "Medical Marijuana Inc. President Michael Llamas and Director Tripp Keber Appeared on Recent Internet Radio Programs" dated 8-8-2012. I have reviewed the affidavit of Elizabeth Rosenberg (Internet Archive) dated 10-19-2020 and fully concur with

its content.




Jon A. Berryhill

Subscribed and Sworn to before me this _____ day of October, 2020 in Benicia California.

Notary Public

SEE ATTACHED
CALIFORNIA JURAT

CALIFORNIA JURAT CERTIFICATE

A notary or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

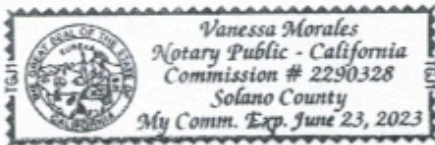
State of **CALIFORNIA**
County of **SOLANO**

Subscribed and sworn to (or affirmed) before me on this
20th day of OCTOBER, 2020, by
Day Month Year

(1) Jon A. Berryhill
Name of Signer

proved to me on the basis of satisfactory evidence to
be the person who appeared before me (.) (.) (and

(2) _____
Name of Signer



Place Notary Seal Above

proved to me on the basis of satisfactory evidence to
be the person who appeared before me.)

Vanessa Morales
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document

Description of Attached Document

Title or Type of Document: Affidavit of Jon A. Berryhill

Document Date: _____ Number of Pages: 7+1=8

Signer(s) Other Than Named Above: _____